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WITHROW & TERRANOVA, P.L.L.C. P.O. BOX 1287 CARY, NC 27512			FADOK, MARK A	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/802,634

Filing Date: March 09, 2001

Appellant(s): SHMUELI ET AL.

Benjamin S. Withrow
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed January 5, 2005.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

The amendment after final rejection filed on 10/5/2004 has not been entered.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *ClaimsAppealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) *Prior Art of Record*

6,609,113	O'Leary et al.	8-2003
6,425,084	Rallis et al.	7-2002
5,960,085	de la Huerga	9-1999

(9) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-7,9-19, and 21-27 rejected under 35 U.S.C. 103. This rejection is set forth in a prior Office Action, mailed on 8/26/2004 and is reproduced below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3-6,9-13,15-18,21 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Leary et al. (US 6,609,113) in view of Rallis et al. (US 6,425,084).

In regards to claim 1, O'Leary discloses a portable device comprising: a) a body (col 5, lines 55-60, PDA and cell phone technologies, note: applicant's invention PG pub

2002/0147653, page 3, para 31, indicates that the key can be implemented on a PDA or mobile phone);

b) memory within the body containing software and financial account information (col 4, lines 55-65, col 5, lines 15-20, and col 9, lines 15-20);

O'Leary teaches interacting with a smart card (col 1, line 36), which is known to carry personal information that can be transferred to a host device and loading software to a processor, (see Payment Portal Processor (PPP)). This software program augments any Internet browser with e-commerce capability. O'Leary, however, does not specifically mention that the device has an interface that facilitates interaction with the computing device. Rallis teaches a key that is inserted into a host computer containing memory. It would have been obvious to a person having ordinary skill in the art to include in O'Leary the key device of Rallis, because this would allow personal information and computing software to be transported to accessing devices, creating improved security and accessibility (see Rallis col 1, protection of data in smart cards and the needed improvement to protect the device from use).

d) the software adapted to execute on the host computing device to instruct the host computing device to:

i) recognize financial account fields in a web page during a browsing session (col 5, lines 15-40); and

ii) fill in the financial account fields in the web page with the financial account information from the portable device to facilitate a web-based transaction (col 5, lines 29-35, payment forms automatically filled out).

automatically execute on the host computing device in association with the computing session (col 9, lines 9-30); and

The combination of O'Leary and rallies teach protecting user information and transferring information from a device to a host, but does not specifically mention the removal of records pertaining to the computing session from the host computing device to enhance privacy associated with the computing session. De la Huerga teaches instructions for overwriting and deletion of any memory cache or temporary workspace used by the user after log off (FIG 15E). It would have been obvious to one having ordinary skill in the art at the time of the invention to include in the combination of O'Leary/Rallis the removal of records pertaining to the computing session from the host computing device to enhance privacy associated with the computing session as taught by de la Huerga, because this would provide increased security from hackers trying to attain personal information that was cashed on the computing device (de la Huerga, col 5, lines 10-25).

In regards to claim 3, O'Leary teaches wherein the software is further adapted to provide an authentication routine to execute on the host computing device (col 5, lines 50-67),

O'Leary teaches authenticating using indicia (col 17, lines 1-10), but does not specifically mention that the indicia is from a portable unit. Rallis teaches authenticating a user by way of a portable key that stores encrypted identifying indicia which is validated with stored matching information on a second device (see abstract and FIG 1).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in O'Leary storing indicia on a portable device for authentication, because by having portability, the item could be used as a sophisticated key and improve the usefulness of the system of O'Leary by not requiring the user to remember complex algorithms.

In regards to claim 4, O'Leary teaches wherein the portable device stores login information for a web site associated with the web-based transaction (col 9, lines 11-30) and

the software is further adapted to instruct the host computing device to determine if login information is necessary for the web site and provide the login information upon entering the web site (col 14, lines 20-30).

In regards to claim 5, O'Leary teaches wherein a bookmark for the web site is stored on the portable device and

the software is further adapted to instruct the host computing device to make the bookmark accessible by a browser running on the host computing device such that a user may use the bookmark to efficiently access the web site via the browser (col 9, lines 1-30, website button link).

In regards to claim 6, O'Leary teaches wherein the portable device stores shipping information for an item selected for purchase during the web-based transaction and

the software is further adapted to instruct the host computing device to access the shipping information and provide the shipping information to the web site to facilitate delivery of the item selected for purchase (col 9, line 62 through col 10, line 12).

In regards to claim 9, O'Leary teaches wherein the software is adapted to emulate a file system resident on the host computing device when interacting with the host computing device. (col 5, lines 15-40, saved wallet data)

In regards to claim 10, O'Leary teaches wherein the software is adapted to appear as a file system to the host computing device (FIG 6, Item 215, wallet).

In regards to claim 11, O'Leary teaches wherein the interface is adapted to directly interface a port in the host computing device (Rallis, FIG 1A and 1B).

In regards to claim 12, O'Leary teaches wherein the interface is adapted to provide a wireless interface with the host computing device (col 5, lines 55-60, cell phones and PDA's).

In regards to claim 13, O'Leary discloses a computer readable medium including software to reside on a portable device capable of interacting with a plurality of host computing devices,

the software comprising instructions for the host computing device to:

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- a) execute on the host computing device during a computing session;
- b) recognize financial account fields in a web page during a browsing session; and
- c) fill in the financial account fields in the web page with financial account information stored on the portable device to facilitate a web-based transaction.

said software further adapted to execute automatically execute on the host computing device in association with the computing session; and

in association with termination of the computing session, instruct the host computing device to remove records pertaining to the computing session from the host computing device to enhance privacy associated with the computing session (see response to claim 1).

In regards to claim 15, O'Leary teaches wherein the software is further adapted to provide an authentication routine to execute on the host computing device,

the authentication routine instructing the host computing device to receive authentication indicia from a user via an interface on the host computing device and determine if the authentication indicia received from the user matches authentication indicia stored on the portable device (see response to claim 3).

In regards to claim 16, O'Leary teaches wherein the portable device stores login information for a web site associated with the web-based transaction and the software is further adapted to instruct the host computing device to determine if login information is necessary for the web site and provide the login information upon entering the web site (see response to claim 4).

In regards to claim 17, O'Leary teaches wherein a bookmark for the web site is stored on the portable device and the software is further adapted to instruct the host computing device to make the bookmark accessible by a browser running on the host computing device such that the user may use the bookmark to efficiently access the web site via the browser (see response to claim 5).

In regards to claim 18, O'Leary teaches wherein the portable device stores shipping information for an item selected for purchase during the web-based transaction and the software is further adapted to instruct the host computing device to access the shipping information and provide the shipping information to the web site to facilitate delivery of the item selected for purchase (see response to claim 6).

In regards to claim 21, O'Leary discloses a method for facilitating a web-based transaction using a portable device capable of interacting with a plurality of host computing devices, the method comprising: a) executing software resident on the portable device on a host computing device in association with a computing session; b)

recognizing financial account fields in a web page during a browsing session; and c) filling in the financial account fields in the web page with financial account information stored on the portable device to facilitate a web-based transaction and remove records pertaining to the computing session from the host computing device to enhance privacy associated with the computing session in association with termination of the computing session (see response to claim 1).

In regards to claim 23, O'Leary teaches receiving authentication indicia from a user via an interface on the host computing device and determining if the authentication indicia received from the user matches authentication indicia stored on the portable device (see response to claim 3).

In regards to claim 24, O'Leary teaches wherein the portable device stores login information for a web site associated with the web-based transaction and further comprising determining if login information is necessary for the web site and providing the login information upon entering the web site (see response to claim 4).

In regards to claim 25, O'Leary teaches wherein a bookmark for the web site is stored on the portable device and further comprising making the bookmark accessible by a browser running on the host computing device such that a user may use the bookmark to efficiently access the web site via the browser (see response to claim 5).
26. The method of claim 21 wherein the portable device stores shipping information for an item selected for purchase during the web-based transaction and further comprising accessing the shipping information and providing the shipping information to the web site to facilitate delivery of the item selected for purchase (see response to claim 6).

Claims 2,7,14,19,22, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Leary et al. (US 6,609,113) in view of Rallis et al. (US 6,425,084), in view of de la Huerga (5,960,085) and further in view of Official Notice.

In regards to claim 2, the combination of O'Leary and Rallis teaches multiple financial accounts and debit card numbers stored on a portable device along with accessing these items (col 9, line 62 through col 10, line 12), neither, however, specifically mentions that the program queries the user for the proper entry. The use of pull down menus to offer such selections and later filling in the selected choice was old and well known in the art at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in O'Leary a presentation of choices and a selection method such as a pull down menu, because this would offer a convenient way of presenting the stored information and has been known to speed selection and save space on a web form.

In regards to claim 7, O'Leary teaches multiple shipping addresses and alternate shipping addresses stored on a portable device along with accessing these items (col 9, line 62 through col 10, line 12), but does not specifically mention that the program queries the user for the proper entry. The use of pull down menus to offer selections and later filling in the selected choice was old and well known in the art at the time of the invention. It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in O'Leary a presentation of choices and selection method such as a pull down menu, because this would offer a convenient way of presenting the stored information and has been known to speed selection and save space on a web form.

In regards to claim 14, O'Leary teaches wherein the financial account information relates to a plurality of financial accounts, the software further adapted to instruct the host computing device to:

- a) query a user to select one of the plurality of financial accounts;
- b) receive selection indicia from the user; and
- c) fill in the financial account fields in the web page with certain of the financial account information corresponding to the selected one of the plurality of financial accounts (see response to claim 2).

In regards to claim 19, O'Leary teaches wherein the shipping information includes a plurality of shipping addresses,

the software further adapted to instruct the host computing device to:

- a) query a user to select one of the plurality of shipping addresses;
- b) receive selection indicia from the user; and
- b) fill in the shipping address fields with certain of the shipping information corresponding to the selected one of the plurality of shipping addresses (see response to claim 7).

In regards to claim 22, O'Leary teaches wherein the financial account information relates to a plurality of financial accounts, the method further comprising: a) querying the user to select one of the plurality of financial accounts; b) receiving selection indicia from the user; and c) filling in the financial account fields in the web page with certain of the financial account information corresponding to the selected one of the plurality of financial accounts (see response to claim 2).

In regards to claim 27, O'Leary teaches wherein the shipping information includes a plurality of shipping addresses and further comprising: a) querying a user to select one of the plurality of shipping addresses; b) receiving selection indicia from the user; and c) filling in the shipping address fields with certain of the shipping information corresponding to the selected one of the plurality of shipping addresses (see response to claim 7).

Response to Arguments

(10) Response to Argument

Appellant argues that claims 14 and 19 are not objectionable, the examiner agrees with the appellant's remarks and hereby removes the Objection.

Appellant argues, in regards to claims 1,13, and 21, that the combination of O'Leary, Rallis, and de la Huerga "does not teach or suggest that the financial account information is stored on the portable device". The examiner disagrees and directs the appellant's attention to O'Leary col 9, lines 15-20, where the contents of the wallet, that includes financial information, is downloaded to a variety of portable devices such as PDA's and cellular telephones. O'Leary later fills in the form using the information from the wallet as is correctly pointed out by the appellant (page 7, second paragraph of Appeal Brief filed 1/5/2005).

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Mark Fadok
November 10, 2005

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